

VZCZCXRO1063

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ZNR UUUUU ZZH
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FM AMEMBASSY ASTANA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3836
INFO RUCNCIS/CIS COLLECTIVE 0807
RUCNCLS/SOUTH AND CENTRAL ASIA COLLECTIVE
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 0206
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RUEKJCS/JOINT STAFF WASHDC
RHMFIUU/CDR USCENCOM MACDILL AFB FL
RUEHAST/USOFFICE ALMATY 0912

UNCLAS SECTION 01 OF 02 ASTANA 002256

SENSITIVE
SIPDIS

STATE FOR SCA/CEN, DRL

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [OSCE](#) [KZ](#)

SUBJECT: KAZAKHSTAN: LEGISLATION IMPLEMENTING MADRID COMMITMENTS
LEGISLATION APPROVED BY CABINET

ASTANA 00002256 001.2 OF 002

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) SUMMARY: The Cabinet approved draft legislative packages amending Kazakhstan's laws on elections, political parties, and the media on November 11. Prime Minister Masimov promised they would be sent expeditiously to the Majilis for consideration. Deputy Foreign Minister Sarybay called in the Ambassador on November 12 to inform him of the news in person. The three pieces of legislation are a step forward in Kazakhstan's political liberalization, although not as big a step as opposition parties and civil society would like. The election legislation would ensure that at least two parties are represented in parliament, but does not include any provisions guaranteeing opposition party representation in local election commissions. The political party legislation lowers the minimum number of signatures required to establish a party and allows registration to continue even if some signatures are irregular. It does not, however, set a deadline for the government to issue a decision on a registration request. The media legislation lessens some of the registration requirements on media outlets and strengthens journalists' standing in libel suits. Opposition leaders disparaged the legislative changes as not meaningful and called them a "Potemkin village for the OSCE." END SUMMARY.

CABINET APPROVES LEGISLATIVE PACKAGES

¶3. (U) On November 11, the Cabinet approved draft packages of legislation amending Kazakhstan's laws on election, political parties, and the media. Prime Minister Masimov ordered that the packages be sent to the Majilis (i.e., the lower house of parliament) "as soon as possible," so that Kazakhstan can fulfill its Madrid commitments on democratic reform before the end of the year, as promised. The legislative changes represent "essential support to our OSCE chairmanship," said Masimov. Foreign Minister Tazhin told the press that "the amendments send a strong message that political reform must continue." Deputy Foreign Minister Sarybay called in the Ambassador on November 12 to inform him personally of the news. He gave the Ambassador an aide memoire --

also provided to the OSCE and other OSCE member states -- which detailed the key changes incorporated into the legislation and stressed that they "are aimed at ensuring further progress in developing the political system of Kazakhstan, including civil society and its institutions." Sarybay could not guarantee that all three pieces of legislation would be adopted year's end, but expected in any event, they will be "fast-tracked" for parliamentary consideration. He said parliament was unlikely to introduce any significant changes into the drafts.

GUARANTEE OF TWO-PARTY PARLIAMENT

14. (SBU) The MFA provided us with summary versions of three pieces of legislation on November 13. The election legislation would guarantee that at least two parties are represented in the Majilis by mandating that the party with the second highest vote count be awarded seats, even if it does not break the 7% threshold set for representation. It also requires equal media coverage of nominations of candidates and registrations of party lists for all political parties. Other changes clarify rules for dismissing electoral commission members and for granting candidates public space for meetings with voters. The legislation does not require that opposition parties be included in electoral commissions, a provision long-demanded by opposition leaders, nor does it address their demands for equal media access throughout election campaign season.

LOOSENEED SIGNATURE REQUIREMENT FOR PARTY REGISTRATION

15. (SBU) The draft legislation amending the law on political parties would lower the number of signatures necessary for registration of a party from 50,000 to 40,000, and in cases of "irregular" signatures, would allow the registration process to continue as long as the total number of eligible signatures is above the minimum. The legislation does not, however, establish a time

ASTANA 00002256 002.2 OF 002

limit for the government to issue a decision on registration. (COMMENT: This means that the government could continue to hold a registration request in abeyance indefinitely, as has been the case with the unregistered Alga party. We had previously been told on more than one occasion by Foreign Minister Tazhin that the legislation would, in fact, set a time limit on the registration process. END COMMENT.)

EQUAL FOOTING FOR JOURNALISTS IN LIBEL CASES

16. (SBU) Under the draft legislation amending the media law, electronic media outlets would no longer have to register (although they still have to be licensed), media outlets would no longer have to re-register when their top leadership changes, journalists would no longer have to get an interviewee's prior consent to electronically record an interview, and media professionals would stand on an equal footing with plaintiffs in libel cases -- a change from current law which requires that a journalist prove an allegedly libelous story is actually true. The NGO Adil Soz, which took part in the Ministry of Culture and Information's media law working group, criticized the draft legislation as not going far enough in loosening registration requirements for print media, eliminating criminal liability for libel, and tightening the grounds for bringing a libel suit.

OPPOSITION CRITICAL OF PROPOSALS

17. (SBU) While the government hailed the drafts as part of Kazakhstan's "steady democratic vector," opposition parties leveled harsh criticisms against what they view as their shortcomings. National Social Democratic Party deputy head Amirzhan Kosanov told us on November 14 that the reforms are not meaningful given that opposition parties are not guaranteed places in local election commissions. The question of which parties "will be allowed to participate in elections will thus be decided in the quiet offices of the Ak Orda (i.e. the Presidential Administration)," maintained Kosanov. Alga President Vladimir Kozlov accused the government of building a "Potemkin village for the OSCE." He believes that without lowering the 7% threshold for Majilis representation, the

ruling Nur Otan party will never allow "more than a two-party parliament." Azat head Bulat Abilov also criticized the threshold. "The limit should be at 3% at most," he argued.

18. (SBU) COMMENT: All the legislation will likely be passed expeditiously by the parliament, since the government clearly considers it a top priority to demonstrate to us and other OSCE members that it takes the Madrid commitments seriously. If adopted in their current form, the three legislative packages would be a step forward in Kazakhstan's political liberalization, although not as big a step as civil society and the opposition parties, or we ourselves, would have liked. However, with this achievement, we are in a position to continue to push for more incremental changes in the right direction. END COMMENT.

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